

REMARKS

The foregoing amendment does not include the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated April 9, 2003 has been received and considered by the Applicants. Claims 1 through 18 are pending in the present application for invention. Claims 1 through 18 stand rejected by the April 9, 2003 Office Action. The foregoing amendment has added new claims 19 and 20.

The Office Action objects to the specification because of various informalities which have been corrected by the foregoing amendment to the specification of the present invention.

The Office Action rejects Claims 4-8 and 10-18 under the provisions of 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out indistinctly claim the subject matter which the Applicants regard as the invention. These oversights have been corrected by the foregoing amendment to the claims of the present invention.

Claims 10-13, 15, 16 and 18 are rejected under the provisions of 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,404,781 issued in the name of Kawamae et al. (Kawamae et al.).

The Examiner states that Kawamae et al. discloses a method and arrangement of decoding a digital video signal as recited by the rejected claims. "To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently." In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). In making the rejection that the Examiner has read the recited elements of the rejected claims so broadly as to encompass the additional information that is placed in the bitstream by Kawamae et al. The Applicants do not concur that recited claims elements for the replacing of a sub-series of bits within the main bitstream with the replacement video information can be read so broadly to encompass the additional information that is placed in the bitstream by Kawamae et al. The Examiner states that the additional information that is placed into the video data by Kawamae et al. is equivalent to replacing a sub-series of bits of video data as recited by the rejected claims to the present invention. The Applicants cannot concur with this reading of

Kawamae et al. and the elements to the rejected claims of the present invention. Page 3 of the specification to the present invention, beginning on line 10, describes the arrangement used to encode a mark, such as a logo or a copy protection identifier, with the video signal. It is clearly stated on lines 14-16, of page 3 of the specification to the present invention that "control circuit 11 determines the size and position of an image area in which the original video signal is to be replaced by the mark M." The Examiner refers to Fig. 3 of Kawamae et al. wherein a pixel block consisting of 8 by 8 pixels is illustrated, and the description for Fig. 3 which states that each pixel is formed of 8 bits. Column 7, beginning 49 describes the embedding of additional information as taught by Kawamae et al., wherein one of bits of the additional information data is embedded resulting in value being made equal to alternatively, 0, 128 or multiples of 256. The Applicants with like to, respectfully, point out that this is not the same as the replacement of a sub-series of bits as recited by the rejected claims. Accordingly, this rejection is respectfully traversed.

Rejected claim 18 to the present invention defines a video signal having an image area encoded into a sub-series of bits and replacement video information for said image area represented by another sub-series of bits having the same number of bits. The Examiner has employed reference numeral 8 within Fig.5 of Kawamae et al. to reject this recited feature of rejected claim 18. The Applicants would like to, respectfully, point out that the present invention recites a video signal having an image area encoded into a sub-series of bits as well as replacement video information encoded into another sub-series of the same number of bits. Reference numeral 8 of Kawamae et al. refers to compressor/encoder 8. Nowhere within the four corners of Kawamae et al. is there any disclosure, or suggestion, that compressor/encoder 8 creates a video signal defining an image area as a sub-series of bits and replacement video information for that image area represented by another sub-series of its, where both sub-series have the same number of bits. Embedding device 7 of Kawamae et al., embeds additional information into the divided pixel blocks of video data (see column 9, beginning at line 17) by embedding one bit of additional information at predetermined points but, simply put, does not teach, or suggest, a sub-series of bits defining an image area and replacement data for the image area also defined by a sub-series of the same number of bits as recites by rejected claimed

18 to the present invention. Kawamae et al. does not teach representing an image area to be replaced as a sub-series of bits within a video signal. Accordingly, the Applicants, respectfully, submit that rejected claim 18 is clearly allowable over the teachings of Kawamae et al. Therefore, this rejection to claim 18 is respectfully traversed.

In an effort to move this case towards allowance, independent claims 10, 11, 15, and 16 have been amended to recite the features of the data structure that is employed by the present invention having the image area to be replaced and the placement data for the image area defined by individual sub-series of bits. It is, respectfully, submitted that no reasonable interpretation of cited prior art reference, Kawamae et al., can be read on these recited elements of the present invention.

Claims 14 and 17 are rejected under the provisions of 35 U.S.C. §103 (a) as being obvious over Kawamae et al. in view of U.S. Patent No. 6,490,355 issued in the name of Epstein (Epstein). Specifically, the Office Action states that Epstein teaches conventional means for determining if the image area identifies copy protection status information. The applicants would like to respectfully point out that rejected claim 14 recites the step of determining if the image area represented by the sub-series identifies copy protection. The combination of Kawamae et al. with Epstein does not reach the claimed invention as recited by rejected claim 14 wherein replacement data is defined as a sub-series of bits and this sub-series also identifies whether the replacement data identifies a copy protection status. Applicants would like to, respectfully, point out that amended claim 14, which recites the modified bitstream as defining the sub-series of bits by a substantially same number of bits as the image area in the main bitstream, should be allowable over the cited references. In the similar manner, rejected claim 17 recites means for determining if the image area represented by the sub-series of bits identifies copy protection status which is a feature that is not disclosed, or suggested, by the combination made by cited references Kawamae et al. and Epstein. Moreover, the applicants respectfully submit that amended claim 16 clearly distinguishes any possible reading of combination of references Kawamae et al. and Epstein upon claim 17 to the present invention.

Claims 1-6 and 9 are rejected by the Office Action under the provisions of 35 U.S.C. §103 (a) as being obvious over Kawamae et al. in view of U.S. Patent No. 5,960,081 issued in the name of Vynne et al. (Vynne et al.). Specifically, the Examiner states that Kawamae et al. does not disclose means for transmitting an auxiliary signal defining a sub image to be replaced by

the modified image area with the replacement video information encoded by substantially the same number of bits. Next the Examiner states that Vynne et al. discloses the embedding of a digital signature in a video sequence. This combination made by the Office Action still does not present a reference, alone or in combination, that discloses or suggests, the usefulness or desirability of an auxiliary signal defining a sub-image to replace a modified image area with the replacement video information and the original image area been similarly encoded by substantially the same number of bits. Accordingly, the Applicants respectfully, submit that all the claimed elements are not found by the combination made by Office Action, and that prima facie and case of obviousness has not been made. Therefore, this rejection is, respectfully, traversed. The Applicants would like to, respectfully, point out that claims 1 and 9 have been amended to more distinctly define the sub-series of bits that define the replacement data and the original image area within the same video signal. The Applicants, respectfully, submit that no reasonable reading of the cited references, either alone or in combination, results in a single video signal defining an image area and replacement data for that image area.

Claims 7 and 8 are rejected under the provisions of 35 U.S.C. §103 (a) as being obvious over Kawamae et al. and Vynne et al. further in view of Epstein. Specifically, the Office Action states that the combination of Kawamae et al. and Vynne et al. does not disclose the modified signal which identifies copy protection status but that Epstein discloses protection status. The Applicants would like to, respectfully, point out that the claim should be read as a whole, and that specific elements to the rejected claims can not be read as if they were in a vacuum. A prima facie case of obviousness does not result when specifically recited structure is rejected based on a similar function performed by a prior art reference. Epstein does not disclose that the image area is represented by a sub-series of its or that the replacement video information to (which is here copy protection status) is represented by another sub-series of the same number of bits. Accordingly, this rejection to claim 7 is respectfully traversed.

Rejected claim 8 to the present invention includes the limitations of claims 1,4, and 7. Rejected claim 8 itself specifically recites the additional element that the image is modified in such a manner that the modified video signal is not reproduced upon playback by conventional analog video recorders. The Applicants would like to, respectfully, point out that the recited element of claim 8 has not been addressed by the Office Action, therefore a prima facie case of obviousness is not been made. Accordingly, this rejection is respectfully traversed.

In view of the foregoing amendment and remarks, the Applicants believe that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By James D. Leimbach

James D. Leimbach, Reg. 34,374

Patent Attorney (585) 381-9983

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited this date
with the United States Postal Service as first-class mail in an envelope addressed to:
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

on: August 8, 2003

(Mailing Date)

James D. Leimbach

(Signature)